

### **REMARKS/ARGUMENTS**

Claims 1-16 and 18-34 stand in the present application. Reconsideration and favorable action is respectfully requested in view of the following remarks.

In the Office Action, the Examiner has rejected claims 1, 2, 4-16, 18, 19 and 21-34 under § 103 as being unpatentable over "Gupta A" in view of "Gupta B" and further in view of Daly et al. ("Daly"), has rejected claims 3 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Gupta A in view of Gupta B and further in view of Daly and Nye et al. ("Nye"). Applicants respectfully traverse the Examiner's § 103 rejections of the claims.

The Examiner makes several unsupported assertions in the rejecting the present claims over the combination of cited art. First, the Examiner alleges that the newly cited "Gupta B" reference is an initial draft of the previously cited "Gupta A" reference. However, the list of references at <http://www.cs.indiana.edu/~minaxi/pubs.html> suggests that, on the contrary, Gupta A (Frequent-sharer) is a "Preliminary version of NOSSDAV 2003 paper" and that it was Gupta B (Reputation) that was presented at the 13th International Workshop on Network and Operating Systems Support for Digital Audio and Video (NOSSDAV) 2003. Moreover, although section IV of Gupta A has some similarities to Section 3.2 of Gupta B, the titles, abstracts, introductions, conclusions are all completely different and only four of the nine references cited in the "draft" are also cited in the "final" paper. It is therefore possible that Gupta A is in fact not a draft of Gupta B, but of another paper - presumably one that was, in any event, not presented to NOSSDAV.

However, since Gupta A and Gupta B are papers having common authorship it may be helpful to see which way they lead. The earlier document, Gupta A, refers to sender peers earning "reputation scores" that allow requester peers to assess the likely utility of the data provided by each sender peer. This is merely a way for requester peers to assess the quality of the data available to them – there is no suggestion in Gupta B that sender peers gain any advantage from their reputation score.

Only Gupta A describes rewarding contributors. More particularly a system is described in which peers who contribute more, or more useful, data are offered a higher level of service – measured as the depth (number of hops) to which a search may be made, or priority in speed of delivery (scheduling type, or rate). There is, however, no indication that access to any particular data item is restricted so as to be available only to more-favored users. Certainly, none of the passages cited by the Examiner on page 3 of the Office Action suggest this. In particular, the Examiner alleges that both Gupta references describe the permitted breadth of search being related to the requester's reputation – but there is no such mention in either reference, other than the limitation to the number of search hops in Gupta A (see, page 4, line 2) which is not the same as restricting the accessibility of any particular content item that such a search might identify.

In the middle of page 3 of the Office Action, the Examiner appears to equate Gupta A's "reputation score" with the "content access data" of Applicant's claimed invention. Although both scores are generated in response to the value of the contribution made by the associated user, they serve different purposes. Gupta A's "reputation score" is a value flagged up to the other users to indicate the reliability or

usefulness of data from that user, while Applicant's "content access data" is used to mediate the interactions between the central processor and the individual user with whom the content access data is associated, in order to vary the availability of data to be provided to that user. (For example, in claim 2, it applies a threshold date to the information made available to the user, so that the most recent data is only made available to users with the highest level of access).

No individual user is given any information about any other user's "content access data," and the content access data affects no-one's searches except the user with whom the value is associated. The passage quoted on page 147 of Gupta B describes the requester specifying (under "other info") the popularity of the files he wants returned – i.e., does he want only the most popular file, or the five most popular, or the fifty . . . This is a value associated with the file (and its provider), and acts as a limitation of the request. Applicant's required content access data is associated with the requester, not the supplier, of data.

It is the combination of the "property value" that Applicant's invention applies to each data item (e.g., its date of publication) and the "content access data" applied to each user (e.g., the threshold date), which affects the search results. Although Applicant's invention does not restrict the property value to being generated in the same way as Gupta B's reputation value, it is used in a somewhat similar way in that it determines which items are delivered to the requesting user. However, unlike Gupta B, the decision as to whether to deliver is not at the choice of the requester but is automatic, in consequence of the requester's own content access data value.

The Examiner also alleges that Gupta A implies that "the members of the (selected) subset of the content items are determined in dependence on the respective content access data of said particular user." See Office Action at page 3. In fact, there is nothing in Gupta A to suggest that the results of a request depend on the users' allotted LoS – only that the search parameters (number of hops, speed of delivery) may differ from one user to another (scheduling and rate). But if they can make the same request, each of Gupta A's users would (eventually) get the same results. The user may choose to limit the search to more popular files, as described on page 147 of Gupta B, but that is a very different proposition from making certain files not available to certain users.

The different Gupta references describe a level of service indicator linked to a requesting user, and an indicator of item value (namely the reputation of the provider of that item). However, there is nothing in either Gupta reference to suggest using a requester's "level of service" indicator such as discussed in Gupta A, to determine whether a given data item should be delivered to that user by reference to the items' value, such as Gupta B's "reputation value." A user's reputation value only affects whether the content he himself supplies is likely to be delivered to other users – not whether other users' content is to be delivered to him. Indeed, although there is some material common to the two Gupta papers, neither the level of service feature nor the reputation value form part of that common material.

The Examiner's reference to file-access privileges being well known in the art (and the reference to Daly US5748896) does not take the argument much further, as Gupta does not disclose that the "reputation" of the requesting peer affects whether any

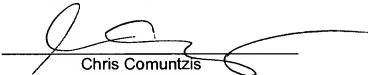
particular content is to be delivered to him. Accordingly, the present claims patentably define over the cited art taken singly or in combination.

Therefore, in view of the above remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-16 and 18-34, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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